

U.S. Patent Application Serial No. 10/710,425
Response filed October 31, 2006
Reply to OA dated August 8, 2006

REMARKS

The applicant respectfully submits that no new matter has been added. It is believed that this Response is fully responsive to the Office Action dated August 8, 2006.

Claims 1 - 18 are currently pending in this patent application, claims 1 and 13 - 18 being independent claims.

Claims 1, 2, 4 and 9 - 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Myr (U.S. Patent Publication No. 2001/0029425). The applicant respectfully requests reconsideration of this rejection.

One of the primary features or structural arrangements of the applicant's claimed invention includes being able to provide: (1) a plurality of dates representing a date included in statistic traffic information obtained by statistically processing traffic information on past traffic conditions in terms of temporal elements, and (2) date classifying information corresponding to the date represented by the date information being arranged in one data structure, and the date classifying information that can be modified by a date classification modifier. According to such a feature or structural arrangement of the applicant's claimed invention, even when an extraordinary or irregular event

happens, the traffic information in accordance with the date classification adapted to the extraordinary or irregular event can be obtained, thereby improving the accuracy of traffic condition predicting information.

The applicant respectfully traverses the Examiner's position that Myr discloses the above-described feature or structural arrangement of the applicant's claimed invention.

Myr is directed to a system that employs a cellular phone that tracks a plurality of probe vehicles to a central traffic unit (server) in a real-time manner and communicates the fastest route to a guidance unit based on a calculated result of the traffic condition.

It is submitted however that in Myr, the attributes applied to each of the categories described therein are fixed, and cannot be modified contrary to the teachings of the applicant's claimed invention. In other words, Myr can only output prediction information in accordance with a predetermined classification and; even when an extraordinary or irregular event should happen, the Myr apparatus does not modify the basis for obtaining the prediction information in accordance with the event. If an attempt is made to modify the basis information, another statistically processed information in accordance with the extraordinary or irregular event has to be prepared and stored in the central unit, and the prepared statistically processed information has to be referenced in calculating the prediction information, which entails complicated tasks.

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It is thus submitted that Myr does not teach the above-discussed claimed features or structural arrangements of the applicant's claimed invention. As such, not all of the claimed elements or features are found in exactly the same situation and united in the same way to perform the identical function in Myr's apparatus. Thus, there can be no anticipation of the applicant's claimed invention under 35 U.S.C. 102(b) based on the teachings of the Myr publication.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 U.S.C. 102(b) based on Myr (U.S. Patent Publication No. 2001/0029425) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees, which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Mel R. Quintos', with a long horizontal line extending to the left.

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